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May 10, 2004

Wilson Sonsini Goodrich & Rosati
By Fax: 650-493-6811

Dear Mr. Slafsky:

As you are aware, on April 15th, I drafted a letter to Judge Wall, copied to all defendants, requesting a Discovery Conference.

Pursuant to our initial telephone call on April 27th, it was my understanding that a draft was to be forwarded by your firm to me on April 30th or May 3rd. However, you delayed in doing so until May 7th when I was out of the office. I reviewed your document today.

Accordingly, we cannot agree on our own to this proposed discovery plan, due to the fact there are four other defendants who must come together for a consolidated discovery plan before any schedule can effectively be presented to the court for approval.

While I realize you are concerned with the discovery plan being filed 14 days beyond our April 27th conversation (I believe that call may have been premature on your part), I believe in the interest of judicial economy. The Court and myself would prefer a joint discovery plan by all parties. None of the other party defendants have been conferenced as of yet pertaining to a discovery plan. I will immediately attempt to contact the other defendants and arrange for a joint conference call as soon as possible.

After such joint conference call, I will prepare a draft discovery plan for all parties.

Thank you,

Robert Novak